

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANDREW ZIMMERMAN, ET AL,)
Plaintiffs)
)
v.) CIVIL ACTION NO. 09-cv-30190-MAP
)
BDO SEIDMAN, LLP, ET AL,)
Defendants)

MEMORANDUM AND ORDER RE: REPORT AND RECOMMENDATION
REGARDING DEFENDANTS' MOTIONS TO DISMISS
(Dkt. Nos. 8, 33, & 51)

September 30, 2010

PONSOR, D.J.

Defendants BDO Seidman, LLP and Chipetine Neu & Silverman, LLP, have filed Motions to Dismiss, which were referred to Magistrate Judge Kenneth P. Neiman for a report and recommendation.

On July 14, 2010, Judge Neiman issued his Report and Recommendation, to the effect that Defendants' motions should be allowed based upon this court's action in two related cases, Zimmerman, et al., v. Salzone, et al., C.A. 09-30193-MAP, and Zimmerman, et al., v. Epstein, Becker & Green, P.C., et al., C.A. 09-30194-MAP.

For the reasons already stated by the court in connection with these previous actions, the court, upon de novo review, hereby ADOPTS the Report and Recommendation (Dkt. No. 51). Based upon this, the court hereby ALLOWS Defendants' Motions

to Dismiss (Dkt. Nos. 8 & 33).

Counsel for Defendants have argued vigorously that, for reasons of judicial economy, the court should go beyond the bases for dismissal expressed by the court in the previous Zimmerman actions and adopted by Judge Neiman in his Report and Recommendation. The court declines to do this. The possibility of additional litigation is speculative, and if further lawsuits are filed, the defendants will be able to renew their motions to dismiss on the grounds that are not being addressed now.

The clerk is ordered to enter a judgment of dismissal for all Defendants. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge